UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
2437	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	09/852,244	GOOD, GORDO
	Examiner	Art Unit	
	PAUL CALLAHAN	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,16,17,20-22,24-31 and 33-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13, 16, 17, 20-22, 24-31,and 33-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-13, 16, 17, 20-22, 24-31, and 33-42 are pending and have been

examined.

Response to Arguments

2.   Applicant's arguments filed 3-23-09 have been fully considered but they are not

persuasive.

The applicant argues in traverse of the rejections of the claims under 35 USC

102, as anticipated by Rothermal US 6,678,827, by asserting that Rothermal fails to

teach the features found in the independent claims of expanding at least one template

at a central location and subsequently providing the expanded information to a plurality

of computing devices. The applicant maintains that the cited portions of Rothermal

merely teach provision of a template to a computing device and subsequently

expanding the template at the device. The Examiner counters that, while Rothermal

does indeed teach such local expansion where a network security device (henceforth

NSD) receives a template and then expands it by the addition of NSD specific

information, the Rothermal patent also teaches expansion of a template at a central

location with later distribution of the expanded information to a plurality of computing

devices. For example, in col. 10 line 8 through col. 11 line 17 Rothermal teaches the

use of a graphical user interface by an administrator to establish a security policy (e.g.

Alias lists) in a template with subsequent distribution of the template to a plurality of

computing devices (NSD's). Such establishment of security policies for a network in a template does read on the applicant's claim limitation of "expansion" of a template.

The applicant argues that the Rothermal patent fails to teach a "communications gateway" as recited in claim 8. The Examiner counters that the manager device, taught for example in col. 10 lines 12-15 of Rothermal, reads on the applicant's communication gateway. The administrator does indeed perform the functions recited in claim 8 as per the discussion found supra.

The Applicant argues that Rothermal fails to teach the feature of claims 3 and 9 wherein the structure of said plurality of templates includes conditional statements in the template. Yet such is found at for example, col. 10 lines 25-35 and figure 3B, where conditional statements in the form of filter rules are taught as being included in a template. Figure 8 shows how these rules are evaluated as conditional statements.

The Applicant argues in traverse of the rejections of claims 4-6, 10-12, 27 and 33 in omnibus fashion by stating that Rothermal fails to teach the features of template categories that reflect policies applicable to all of a plurality, a subset of a plurality, or a particular type of the plurality of devices. The Examiner finds that Rothermal teaches these features at for example, col. 6 lines 20-33, where templates are taught as being customized for particular types of network security devices.

The Applicant argues that Rothermal fails to teach the feature of claims 17, 21 and 26 where a communications gateway expands a template to include information contained in a conditional statement only if the computing device to which said expanded information is to be provided meets the condition. The Examiner maintains

that such is indeed taught by Rothermal at for example, col. 11 lines 5-10, where filter

rules are taught as being created only for devices having particular identities.

The Applicant argues that Rothermal fails to teach the claimed features found in

claim 25 where all of the users on the list perform a specified role relative to said

computer devices. The Examiner finds that such is taught by Rothermal at for example,

col. 11 lines 5-10, where users perform roles specified in a templates security policy by

reference to Accounting, Marketing, and etc. In col. 11 lines 25-45 Rothermal also

defines the characteristics that a user of a device must meet in terms of identification,

contact information, authorization information, and etc.

The Applicant argues that the rejections of claims 28-30 and 34-36 are improper

because the claims were rejected as reciting substantially the same limitations as

claims 4-6 and 10-12. However, the Examiner finds that claims 4-6 and 10-12 are

worded such that the security policies are in some cases applicable to all, or to only a

subset of set of a plurality of devices, and that this is synonymous to the claim language

of claims 28-30 and 34-36 where a template in a second category inherits policies

contained in a first category and where such inheritance can be selectively disabled.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

4.   Claims 1-13, 16, 17, 20-22, 24-31, 33-36, 39, and 41 are rejected under 35

U.S.C. 102(e) as being anticipated by Rothermel et al., US 6,678,827.

As for claim 1, Rothermel teaches a method for automatically provisioning a

plurality of computing devices in accordance with established policies (col. 4 lines 20-

67), the method comprising the steps of: creating a plurality of templates reflecting said

policies (col. 4 lines 20-67), expanding at least one template at a central location to

create a document comprising expanded information (col. 4 lines 20-67), and sending

from the central location the expanded document comprising the expanded information

to said plurality of computing devices (col.4 line 49 thru col.5 line 13),

As for claim 2, Rothermel teaches interpreting the expanded information by

agents which are respectively resident on each of said plurality of computing devices

(col.5 lines 32-35).

As for claims 3 and 9, Rothermel teaches the structure of said plurality of

templates includes conditional statements that determine whether a template is to be

expanded with predetermined information on the basis of the computing device to which

the expanded information is being provided (col. 10 lines 25-35, fig. 3B, fig. 8).

As for claims 4 and 10, Rothermel teaches the plurality of templates includes a first category of templates that reflect policies applicable to all of the plurality of computing devices (col.6 lines 20-32).

As for claims 5 and 11, Rothermel teaches at the plurality of templates includes a second category of templates that reflect policies applicable to only a subset of the plurality of computing devices (col.6 lines 20-32).

As for claims 6 and 12, Rothermel teaches the plurality of templates includes another category of templates that reflect policies only applicable to a particular type of the plurality of computing devices (col.6 lines 20-32).

As for claims 7 and 13, Rothermel teaches the method of claim 1, wherein said policies are security polices regarding user access to each of the plurality of computing devices. (col. 11 lines 1-45)

As for claim 8, Rothermel teaches a system for automatically provisioning a plurality of computing devices in accordance with established policies, the system comprising: a database system which stores a plurality of templates which reflect said polices (col.6 lines 56-60), a plurality of agents which are respectively resident on each of said plurality of computing devices (col. 5 lines 30-40), and which communicate with

said database system to obtain information with regard to provisioning and

maintenance of the respective computing devices (col. 5 lines 30-40), and a

communications gateway through which communication messages are exchanged

between said agents and said database system (col. 5 lines 1-12: Supervisor devices),

wherein said communications gateway is configured to: retrieve the individual ones of

the plurality of templates, expand the plurality of retrieved templates to create

respective documents containing combined template information and expanded

information, and provided the documents containing the combined template information

and expanded information to said plurality of agents (col.4 lines 49 thru 67),

As for claims 39 and 41, Rothermal teaches the feature wherein at least one

template includes a reference to information external to the template, and wherein said

communication gateway expands the template by creating a document that includes

information contained in the template and said external information. (fig. 3B items 30,

311, 316).

As for claim 16, Rothermel teaches a system wherein said external information

comprises a list of users (col. 11 lines 18-30).

As for claim 17, Rothermel teaches the system of claim 9 wherein said

communications gateway expands a template to include information contained in a

conditional statement only if the computing device to which said expanded information is to be provided meets the condition (col. 11 lines 35-40).

As for claim 20, Rothermel teaches a method, wherein said external information comprises a list of users (col. 11 lines 18-30).

As for claim 21, Rothermel teaches the method of claim 3, wherein said expanding step includes the step of including information contained in a conditional statement only if the computing device to which said expanded information is to be provided meets the condition (col. 11 lines 18-30).

As for claim 25, Rothermal teaches the method of claim 24 wherein all of the users on said list perform a specified role relative to said computing devices (col. 11 lines 20-45).

As for claims 22, 24, 26-31, and 33-36, the claims are directed to the same method as found in claims 1-14, 16-18, 20 and 21 in slightly reworded form. Therefore these claims are rejected on the same basis as are claims 1-14, 16-18, 20 and 21.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 37, 38, 40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothermel et al., US 6,678,827, and Teng et al., US 7,380,008.

Rothermal fails to teach the feature wherein the document is an XML document. However, Teng does teach such an XML document where an XML template is expanded at a central location by a server and where the document includes references to information external to the template (fig. 39, col. 47 line 28 through col. 49 line 34). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the system of Rothermal. It would have been obvious to do so since this would allow for the use of XML documents compatible with common platforms such as JAVA and allow greater portability of the system.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-

3869. The examiner can normally be reached on M-F from 9 to 5.

        If attempts to reach the examiner by telephone are unsuccessful, the Examiner's

supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone

number for the organization where this application or proceeding is assigned is: (571)

273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/PEC/
AU2437

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